

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 505

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING BURIEN MUNICIPAL CODE TITLE 14 RELATED TO A STATE ENVIRONMENTAL POLICY ACT EXEMPTION FOR BURIEN'S URBAN CENTER, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Burien is planning for its growth under RCW 36.70A.040; and,

WHEREAS, the Burien Comprehensive Plan was previously subjected to environmental analysis through an environmental impact statement pursuant to RCW 43.21C prior to its adoption; and,

WHEREAS, RCW 43.21C.229 authorizes cities planning under RCW 36.70A.040 to establish categorical exemptions from RCW 42.21C (the State Environmental Policy Act) that differ from the exemptions in RCW 43.21C.110(1)(a); and,

WHEREAS, RCW 43.21C.229 allows establishing a categorical exemption for new residential or mixed-use projects proposed to fill in an urban growth area, where current density and intensity of use in the area is lower than called for in the city's Comprehensive Plan; and,

WHEREAS, the Burien City Council adopted Ordinance No. 405 on February 2, 2004 establishing a categorical exemption for new residential and mixed-use projects located on the Town Center site; and,

WHEREAS, the Burien City Council adopted Ordinance No. 493 on October 6, 2008 establishing a Transportation Impact Fee affecting all new development within the City of Burien; and,

WHEREAS, current development within the Burien Urban Center consists of approximately 1.8 million square feet of non-residential floor area and 460 residential units, which is lower than the density and intensity of development projected by the Comprehensive Plan; and

WHEREAS, it is the desire of the Burien City Council to expand the boundary of the current categorical exemption for new residential or mixed-use projects to include all properties located within the Burien Urban Center as defined by the Burien Comprehensive Plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1: Amendment. Burien Municipal Code Section 14.05.040 is hereby amended to read as follows:

“Unless the context requires otherwise, the King County environmental procedures, as adopted in BMC 14.05.010, shall be modified as follows:

- (1) Any reference to the “county” or to “King County” shall refer to the city of Burien; any reference to the county council shall refer to the city council; and any reference to the county executive or other county staff position shall refer to the city manager; and
- (2) The city of Burien director of community development ~~services~~ shall serve as the SEPA responsible official unless otherwise designated by the city manager; and
- (3) All costs of preparing environmental documents shall be borne by the applicant in accordance with the city of Burien fee schedule; and
- (4) ~~Redevelopment of the Burien Town Square property as a mixed use infill project, New residential or mixed use development within the urban center designated in the Burien Comprehensive Plan that is consistent with the goals, policies, density and intensity of use called for in the Burien Comprehensive Plan, is categorically exempt from RCW 43.21C pursuant to RCW 43.21C.229. For the purposes of this section, the “Burien Town Square” property is defined as land between SW 150th Street, SW 152nd Street, 4th Avenue SW and 6th Avenue SW (if extended), including any portion of a parcel of land lying both within and outside of this boundary.”~~

Section 2: Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3: Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 9TH DAY OF FEBRUARY, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 9TH DAY OF FEBRUARY.

CITY OF BURIEN
/s/ Rose Clark, Deputy Mayor

ATTEST/AUTHENTICATED:
/s/ Monica Lusk, City Clerk

Approved as to form:
/s/ Christopher Bacha
Kenyon Disend, PLLC
Interim City Attorney

Filed with the City Clerk: January 28, 2009
Passed by the City Council: February 9, 2009
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